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NAZI WAR CRIMES DISCLOSURE ACT
2000

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CONTROLS
C O N F I D E N T I A L LA PAZ 019067

FOR COORDINATION WITH ed State

DEPT FOR S/CT, DS/OP/ARA, ARA/AND, DS/I/CT
FBIHQ FOR CID/CTS/IT-GU, OLIA, WMFO (C-3), MIAMI (C-4)
MONTEVIDEO AND PARIS FOR LEGAL ATTACHE

E.O. 12356: DECL: OADR

TEXT
TAGS: ASEC, PTER, BL
COMBINE: COMPLETE

SUBJECT: RIFLE ATTACK/BOMBING OF US MARINE HOUSE;
10/10/90; LA PAZ, BOLIVIA; OHAH-IT, WMFO NR 262-WF-170137
JORGE LONSDALE (DECEASED) VICTIM; CNPZ TERRORISTS; FPC
00:BUREAU (163-NEW)

REF: (A) MONTEVIDEO 06060, (B) STATE 389859, (C) LA PAZ
17267, (D) LA PAZ 17266, (E) LA PAZ 13922 AND PREVIOUS.

1. THIS COMMUNICATION IS CLASSIFIED "CONFIDENTIAL" IN
ITS ENTIRETY.

2. ON NOVEMBER 12, 1991, THE BOLIVIAN FOREIGN MINISTRY
IN LA PAZ SENT VIA FACSIMILE TO THE BOLIVIAN EMBASSY IN
PARIS, FRANCE THE FOLLOWING DOCUMENTS:

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3020
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2001 2007

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A. ARREST WARRANT FOR ALAIN DANIEL MESILI ISSUED OCTOBER 14, 1991, BY THE LA PAZ DISTRICT COURT.

B. A REQUEST FROM DR. JOSE NEMTALA, THE LEAD PROSECUTOR IN THE TRIAL OF THE COMISION NESTOR PAZ ZAMORA (CNPZ) TERRORISTS, TO HAVE MESILI ARRESTED, FINGERPRINTED AND INTERVIEWED IN FRANCE AFTER COORDINATION WITH BOLIVIAN NATIONAL POLICE (BNP) OFFICIALS.

NO REQUEST WAS MADE FOR MESILI'S EXTRADITION. THE FRENCH CHARGE D'AFFAIRES IN LA PAZ, MICHELE PASQUIER, MADE IT CLEAR DURING A SEPTEMBER 12, 1991 MEETING WITH BOLIVIAN OFFICIALS THAT UNDER NO CIRCUMSTANCES WOULD MESILI BE EXTRADITED TO BOLIVIA (LA PAZ CABLE 13922 REFERS). DR. NEMTALA'S PLAN IS TO WAIT UNTIL MESILI IS DETAINED IN FRANCE FOR QUESTIONING, AND THEN REQUEST MESILI'S EXTRADITION TO BOLIVIA FOR TERRORISM. THOUGH NO EXTRADITION TREATY EXISTS BETWEEN BOLIVIA AND FRANCE, DR. NEMTALA IS GOING TO USE THE LEGAL PRECEDENT OF **KLAUS BARBIE**. IN THIS INSTANCE, BOLIVIA EXTRADITED TO FRANCE IN 1985 FORMER SS OFFICER BARBIE, WHO HAD BEEN IN HIDING IN BOLIVIA SINCE THE END OF WORLD WAR II.

3. THE LA PAZ DISTRICT ATTORNEY AND THE JUDGE ASSIGNED TO HEAR THE CNPZ CASE DESIRE THAT MESILI BE PROSECUTED IN BOLIVIA. AT THIS TIME, THERE ARE SEVEN (7) CAPTURED CNPZ TERRORISTS ON TRIAL, WITH CONVICTION LIKELY. THE CASE IS A STRONG ONE, WITH TESTIMONIAL AND FORENSIC EVIDENCE BEING PRESENTED. BOTH THE PROSECUTION AND FBI LA PAZ BELIEVE THERE IS NO NEED TO STRIKE ANY PRE-TRIAL DEALS WITH THE DEFENDANTS.

4. ON DECEMBER 6, 1991, A MEETING WAS HELD AT THE AMERICAN EMBASSY, LA PAZ, BOLIVIA CONCERNING THE STATUS OF BOLIVIAN EFFORTS IN THE MESILI REQUEST, AND TO DISCUSS THE INVESTIGATIVE AND LEGAL ITEMS PRESENTED IN STATE CABLE 389859. IN ATTENDANCE WERE DR. NEMTALA, LTCOL LUCIANO VELASCO (COMMANDER OF BOLIVIAN POLICE SPECIAL INVESTIGATIONS UNIT) AND SPECIAL AGENT ROBERT F. CLIFFORD (FBI TDY LA PAZ). THE FOLLOWING POINTS WERE ASCERTAINED RELATIVE TO THE PROSECUTION OF MESILI:

A. THE BOLIVIAN GOVERNMENT WISHES TO PURSUE THE PROSECUTION OF MESILI IN BOLIVIAN COURT. HOWEVER, IF THIS IS NOT POSSIBLE, IT WILL COOPERATE WITH THE FRENCH OR THE UNITED STATES IN EVERY WAY FOR MESILI'S PROSECUTION IN EITHER COUNTRY. DR. NEMTALA STATED THAT IF POSSIBLE, HE WOULD ARRANGE FOR ONE OR MORE OF THE CAPTURED CNPZ TERRORISTS TO TESTIFY AGAINST MESILI IF NEEDED. THIS WOULD BE AFTER CONVICTION AND IN EXCHANGE FOR A REDUCED PRISON SENTENCE. THIS TESTIMONY WOULD BE CONTINGENT UPON THE COOPERATION OF THE CONVICTED WITNESS AND THAT NO U.S. CHARGES BE FILED AGAINST THE CONVICTED WITNESS.

B. THE BOLIVIAN PROSECUTION BELIEVES IT HAS A STRONG

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CASE AGAINST MESILI. IN ADDITION, MESILI HAS BEEN DECLARED A "REBEL AGAINST THE STATE" UNDER BOLIVIAN LAW FOR HIS FAILURE TO APPEAR BEFORE THE COURT TO ANSWER THE CRIMINAL CHARGES AGAINST HIM. AS A RESULT, MESILI CAN BE SENTENCED TO A PRISON TERM UPON HIS CAPTURE WITHOUT TRIAL.

HOWEVER, IF THERE ARE NO OTHER OPTIONS FOR THE BOLIVIAN, FRENCH, OR U.S. PROSECUTION OF MESILI, THE BOLIVIAN

PROSECUTOR IS WILLING TO GRANT MESILI IMMUNITY IN EXCHANGE FOR HIS TESTIMONY AGAINST THE CNPZ DEFENDANTS AND FOR A FULL DEBRIEFING BY BOLIVIAN POLICE INTELLIGENCE OFFICIALS ON THE CNPZ AND ITS PARENT GROUP, THE BOLIVIAN EJERCITO LIBERACION NACIONAL (ELN). LTCOL VELASCO STATED THAT THE FBI AND OTHER U.S. GOVERNMENT ENTITIES WOULD HAVE ACCESS TO ANY AND ALL INFORMATION PROVIDED BY MESILI.

5. ON DECEMBER 10, 1991 DR. NEMTALA AND SA CLIFFORD MET TO DISCUSS THE INFORMATION PROVIDED BY LEGAT PARIS THROUGH LEGAT MONTEVIDEO IN MONTEVIDEO CABLE 06060. THE GUIDANCE AND BACKGROUND ON THE FRENCH JUDICIAL SYSTEM CONCERNING THE MESILI CASE WAS EXTREMELY HELPFUL IN PLANNING FURTHER LEGAL ACTIONS AGAINST MESILI. DURING THE MEETING, IT WAS DECIDED THE FOLLOWING COURSE OF ACTION WOULD BE EXECUTED BY THE BOLIVIAN GOVERNMENT, WITH ASSISTANCE AND MONITORING BY FBI LA PAZ:

A. A PROVISIONAL ARREST WARRANT (PAW) AND AN INTERNATIONAL COMMISSION ROGATORY (ICR) WILL BE SUBMITTED BY JUDGE ANTONIO SANTAMARIA OF THE LA PAZ DISTRICT COURT THROUGH THE BOLIVIAN FOREIGN MINISTRY TO THE FRENCH GOVERNMENT. INCLUDED IN THIS WILL BE COPIES OF DETAINED CNPZ TERRORISTS' STATEMENTS IMPLICATING MESILI AND COPIES OF VARIOUS DOCUMENTS SHOWING MESILI TO BE A MEMBER OF THE CNPZ. THESE ARE INCLUDED FOR REVIEW BY FRENCH JUDICIAL OFFICIALS TO DEMONSTRATE THE PROBABLE CAUSE THAT EXISTS FOR CHARGING MESILI FOR VIOLATIONS OF THE FOLLOWING BOLIVIAN STATUTES:

121	ARMED INSURRECTION AGAINST THE STATE
132	CRIMINAL ASSOCIATION
133	TERRORISM
252	MURDER

B. ONCE APPROVED BY A FRENCH MAGISTRATE AND "PROCUREUR," THE PAW/ICR WILL BE DELEGATED TO BE EXECUTED BY THE FRENCH NATIONAL POLICE (FNP). THE FNP WILL DETAIN MESILI FOR FINGERPRINTING OF MAJOR CASE PRINTS AND EXECUTE THE ICR.

FBI LA PAZ WILL USHER THE ABOVE ACTIONS WITH THE BOLIVIAN GOVERNMENT TO ENSURE A CORRECT AND THOROUGH PAW/ICR IS SUBMITTED IN A TIMELY FASHION AND IN ACCORDANCE WITH ESTABLISHED PROTOCOL. ALL ADDRESSEES WILL BE IMMEDIATELY INFORMED WHEN THE BOLIVIAN PAW/ICR IS SUBMITTED, AND OF

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THE IDENTITY OF THE BOLIVIAN OFFICIAL AT THE BOLIVIAN EMBASSY IN PARIS WHO WILL BE HANDLING THE PAW/ICR.

6. THE GOAL OF THE BOLIVIAN GOVERNMENT IS TO HAVE MESILI RETURNED TO BOLIVIA AND PROSECUTED UNDER BOLIVIAN LAW. FOR THIS REASON, BOLIVIA IS PURSUING ALL LEGAL AND POLITICAL AVENUES TO ACHIEVE THIS. HOWEVER, ONCE ALL BOLIVIAN EFFORTS HAVE BEEN EXHAUSTED AND IF MESILI STILL HAS NOT BEEN BROUGHT TO JUSTICE, IT MAY BE NECESSARY TO PURSUE MESILI UNDER THE FRENCH JUDICIAL SYSTEM, OR AS ADDRESSED IN PREVIOUS LA PAZ CABLES, TO EXPLORE THE POSSIBILITY OF SECURING A U.S. ARREST WARRANT AND EXTRADITION OF MESILI.

7. FOR LEGAT PARIS: WITH REGARDS TO MONTEVIDEO 05996, THE BNP AND FBI LA PAZ REQUEST THAT NO INTERVIEW OF ANNIE MAISSEL OF NICE, FRANCE BE CONDUCTED AT THIS TIME. ANY FUTURE REQUEST FOR HER INTERVIEW WILL BE SUBMITTED BY THE BNP THROUGH FORMAL CHANNELS. BOWERS

ADMIN
END OF MESSAGE

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